

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201807094	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/25/2018 10:12 PM	Location of Incident: Enroute to the 60th Precinct stationhouse	Precinct: 60	18 Mo. SOL 2/25/2020	EO SOL 2/25/2020	
Date/Time CV Reported Tue, 08/28/2018 9:01 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/28/2018 9:01 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Fitzroy Vigilance	04583	918667	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Pelly Casimir	07722	963436	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Fitzroy Vigilance	Discourtesy: Sergeant Fitzroy Vigilance spoke discourteously to § 87(2)(b)	

Case Summary

On August 28, 2018, § 87(2)(b) filed the following complaint with the CCRB via telephone. On August 25, 2018, at approximately 10:12 PM, § 87(2)(b) drove his motorcycle to the Coney Island boardwalk in Brooklyn. Simultaneously, Sergeant Fitzroy Vigilance and unidentified officers from the 60th Precinct responded to a report of a fight at the Coney Island boardwalk. § 87(2)(b) and Sgt. Vigilance began to interact and ultimately § 87(2)(b) was placed under arrest for § 87(2)(b). While being transported to the 60th Precinct stationhouse, Sgt. Vigilance allegedly told § 87(2)(b) to “practice his right to remain silent. That’s what the fuck you need to do” (**Allegation A- Discourtesy**, § 87(2)(g) § 87(2)(b) was released with summonses for disorderly § 87(2)(b).

There is no known video footage of the incident.

Findings and Recommendations

Allegation A- Discourtesy: Sergeant Fitzroy Vigilance spoke discourteously to § 87(2)(b)

It is undisputed that there was a report of a fight in the proximity of West 23rd Street and the Coney Island boardwalk. Officers, including Sgt. Vigilance, responded to the call shortly after and attempted to disperse a group of civilians near Seaside Park, alongside the boardwalk. § 87(2)(b) was among the group of civilians. It is undisputed that § 87(2)(b) began to yell that the officers did not have the authority to disperse the group. After disobeying instructions to disperse and continuing to yell at the officers, Sgt. Vigilance placed § 87(2)(b) under arrest for disorderly conduct. § 87(2)(g) § 87(2)(b)

§ 87(2)(b) testified (Board Review 1) that while being transported, he lectured the officers on his rights and that his rights had been violated. Sgt. Vigilance told § 87(2)(b) to “practice his right to remain silent. That’s what the fuck you need to do.”

Sgt. Vigilance testified (Board Review 2) and acknowledged telling § 87(2)(b) that he has the right to remain silent, but denied telling § 87(2)(b) “That’s what the fuck you need to do.” Sgt. Vigilance denied using any profanity towards § 87(2)(b)

PO Casimir (Board Review 3) testified and did not recall hearing Sgt. Vigilance tell § 87(2)(b).
 § 87(2)(b) “That’s what the fuck you need to do.” PO Casimir denied hearing Sgt. Vigilance use
 any profanity towards § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 4).
- Sgt. Vigilance has been a member of service for 21 years and has been a subject in 24 CCRB complaints and 54 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
§ [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A September 11, 2018 inquiry into the New York City Comptroller's Office revealed no notice of claim filed by § 87(2)(b) (Board Review 7).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date